APPENDIX

Record, Page 349:

ORDER APPROVING SHERIFF'S SALE OF REAL ESTATE

Now, on this 9th day of September, 1938, the same being a regular judicial day of the court, comes on for hearing the motion of plaintiff to confirm the sale of real estate made by the Sheriff of this County and State on the 19th day of August, 1938, under an Order of Sale issued out of the office of the Clerk of this Court, said sale being of the following described real estate, to-wit:

> Lot Sixteen (16), in Block Six (6), Sunset Terrace, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof,

and the objection of defendants, Bertha Florence Sabin, and M. R. Sabin, appearing by his attorney, Bertha Florence Sabin, and the defendant, Bertha Florence Sabin, appearing in person and by her own attorney, and both sides having announced ready, the matter having been fully presented and the Court being fully advised in the premises, finds that the objection to the confirmation of said sale should be overruled, and the Court having examined the proceedings of said Sheriff under said sale, including his return thereof, FINDS, that the same are regular and have in all things been performed in conformity with law and the orders of this Court, and the Clerk is directed to make an entry on

the Journal that the Court is satisfied of the legality of said sale.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the objections to the confirmation of said sale herein be, and the same are hereby overruled, to which the defendants, Bertha Florence Sabin and M. R. Sabin, and each of them, except, and said exceptions are hereby allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that said sale, and all of the proceedings herein be, and the same are in all respects confirmed and approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Sheriff of this County be, AND HE HEREBY IS, directed to make and execute to the purchaser at said sale a good and sufficient deed for the premises so sold, and that a Writ of Assistance issue out of the Office of the Clerk of this Court to the Sheriff of said County, directing him to put the purchaser in possession of the said premises, and each and every part thereof.

To all of which the defendants, Bertha Florence Sabin and M. R. Sabin, and each of them except, and give notice in open Court of their intention to appeal to the Supreme Court of the State of Oklahoma.

IT IS THEREFORE ORDERED, that said defendants be, and they are hereby given thirty (30) days from date within which to prepare and serve case-made upon the plaintiff, herein, said plaintiff be given ten (10) days thereafter to suggest amendments, same to be settled and signed upon five (5) days notice.

IT IS FURTHER ORDERED, that said defendants are given twenty (20) days from date within which to file a supersedeas bond herein, in the sum of SIXTY-FIVE HUNDRED ($6,500.00) Dollars.

(Signed) PRENTISS E. ROWE,
Judge.

FILED: In District Court of Tulsa County, Oklahoma, September 16, 1938.

OKLAHOMA STATUTES, 1931:

456. CONFIRMATION OF SALE—PAYMENT OF MONEY TO PERSON ENTITLED.

If the court, upon the return of any writ of execution, for the satisfaction of which any lands or tenements have been sold, shall, after having carefully examined the proceedings of the officer, be satisfied that the sale has, in all respects, been made in conformity to the provisions of this article, the court shall direct the clerk to make an entry on the journal that the court is satisfied of the legality of such sale, and an order that the officer make to the purchaser a deed for such lands and tenements; and the officer, on making such sale, may retain the purchase money in his hands until the court shall have examined his proceedings as aforesaid, when he shall pay the same to the person entitled thereto, agreeably to the order of the court.

457. SHERIFF'S DEED—TITLE VESTED IN PURCHASER—NECESSARY RECITALS.

The sheriff or other officer who upon such writ or writs of execution, shall sell the said lands and tenements, or any

part thereof, shall make to the purchaser as good and sufficient deed of conveyance of the land sold, as the person or persons against whom such writ or writs of execution were issued could have made of the same, at or any time after they became liable to the judgment. The deed shall be sufficient evidence of the legality of such sale, and the proceedings therein, until the contrary be proved, and shall vest in the purchaser as good and as perfect an estate in the premises therein mentioned, as was vested in the party at, or after, the time when such lands and tenements became liable to the satisfaction of the judgment; and such deed of conveyance, to be made by the sheriff or other officer, shall recite the execution or executions, or the substance thereof, and the names of the parties, the amount and date of rendition of each judgment, by virtue whereof the said lands and tenements were sold as aforesaid, and shall be executed, acknowledged and recorded as is or may be provided by law, to perfect the conveyance of real estate in other cases.

543. Proceedings in Error Not to Stay Execution Unless Undertaking Executed.

No proceeding to reverse, vacate or modify any judgment or final order rendered in the county, superior or district court, except as provided in the next section, and the fourth subdivision of this section, shall operate to stay execution, unless the clerk of the court in which the record of such judgment or final order shall be, shall take a written undertaking, to be executed on the part of the plaintiff in

error, to the adverse party, with one or more sufficient sureties, as follows:

* * * * *

THIRD. When it directs the sale or delivery of possession of real property, the undertaking shall be in such sum as may be prescribed by the court or the judge thereof, to the effect that during the possession of such property by the plaintiff in error, he will not commit, or suffer to be committed, any waste thereon, and if the judgment be affirmed, he will pay the value of the use and occupation of the property, from the date of the undertaking until the delivery of the possession, pursuant to the judgment, and all costs. When the judgment is for the sale of mortgaged premises, and the payment of a deficiency arising from the sale, the undertaking must also provide for the payment of such deficiency.

546. UNDERTAKING TO STAY EXECUTION—EXTENSION OF TIME TO MAKE CASE—JUDGMENT IN APPELLATE COURT AGAINST SURETIES.

Before an undertaking shall operate to stay execution of a judgment or order, a petition in error must be filed in the appellate court and the execution of the undertaking and the sufficiency of the sureties must be approved by the court in which the judgment was rendered or order made, or by the judge or clerk thereof; provided, that at any time when the time for making or completing a case-made is extended by the court or judge, the court or judge shall include in such order an order staying execution pending

the giving of an undertaking as herein provided for and the time within which the proceedings in error shall be filed in the Supreme Court, in order to continue such stay of execution pending the completion and settling of the case and the filing of the petition in error in the Supreme Court, and in the event the judgment of the court to which such appeal is taken is against the appellant, judgment shall, at the same time it is entered against the appellant, be entered against the sureties on his said undertaking to stay execution, and execution shall issue thereon against said sureties the same as against their principal, the appellant, and no stay of such execution shall be permitted.